

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY M D.C.

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. MEMPHIS

ELECTRIC INSURANCE COMPANY,

Plaintiff,

vs.

NATIONWIDE MUTUAL INSURANCE  
COMPANY,

Defendant.

04-3015 M1/P

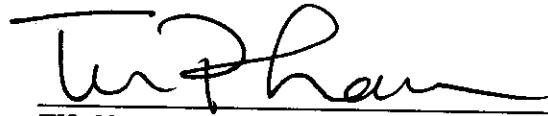
ORDER DENYING DEFENDANT'S MOTION FOR PROTECTIVE ORDER

Before the court is defendant Nationwide Mutual Insurance Company's Motion for Protective Order, filed July 25, 2005 (dkt #12). In its motion, the defendant asks the court to stay all discovery in this case until such time that the court rules on defendant's pending motion to dismiss. The plaintiff filed its response in opposition on July 26, 2005.

It is well settled that a court has discretion to stay discovery pending determination of dispositive motions. See Nichols v. Baptist Memorial Hosp., No. 02-2561, 2004 WL 2905406, at \*2 (W.D. Tenn. April 2, 2004) (unpublished) (citing cases). Moreover, Fed. R. Civ. P. 1 states that the federal rules "shall be construed and administered to secure the just, speedy, and

inexpensive determination of every action." Id. (quoting Fed. R. Civ. P. 1). Upon review of the entire record, the court concludes that a stay of discovery is not appropriate in this case. Also, it appears that a ruling favorable to the defendant on its motion to dismiss may not resolve all claims raised in the complaint. Therefore, the motion is DENIED.

IT IS SO ORDERED.

  
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TU M. PHAM  
United States Magistrate Judge

August 11, 2005  
Date



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Honorable Jon McCalla  
US DISTRICT COURT